

(Affidavit to Support Facts)  
under penalty of perjury 28 U.S.C.

Respectfully Submitted,

Anthony Ivery, ANTHONY IVERY, Anthony Ivery

On or about April 6 and 13, I was arrested and charged with unlawful possession with intent to distribute cocaine, under 21 U.S.C. 841(a) 4.1 grams, selling to an informant. I was already serving time for probation violation which I received (year) for a separate incidence. Before I completed the one year probation violation, I was indicted under 21 U.S.C. 841(a) for supposedly having sold 4.1 grams to an informant on April 6 and 13th of 2000. The weight of the drugs was 4.1 Net weight.

I was arraigned in the District Court, after I had finished my time for probation violation in Boston, Ma. The drugs was 4.1 grams which was suppose to have been field tested at Mid-Atlantic Laboratory. Due to the amount of cocaine, Mid Atlantic Lab refused to have the cocaine tested, when the prosecutor called over the phone, concerning the cocaine, Mid-Atlantic lab refused to accept the 4.1 grams.

So therefore the charges against me should be dismissed because there was no test done to determine the contents of the drugs. Due in part that the charge only extend from the Prosecution assumption which never was analyzed, since I only had 4.1 grams of cocaine base.

If the drugs would have been sent to the lab and removed of its contents, the weight would not have fell under 25 Pursuant to USSC § 2D1.1 (c) (8) that states; when the offense involves at least four grams, but less than five grams of cocaine base, the base level offense is 24. Now if the Net weight was 4.1, all this (contents)

was not cocaine base, which there should be no charge under the offense level 24, U.S.S.G. § 2D1.1 (c)(8).

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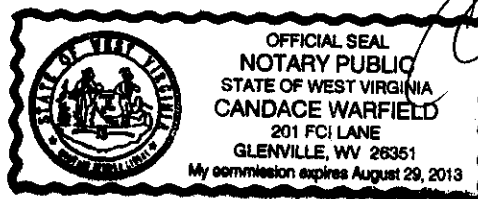
"Anthony Ivery," ANTHONY IVERY  
"Never Indicted"

Anthony Ivery

Date

Case no. CR 00-10334-RWZ

In order to be analyzed 5 grams or more of cocaine base



Anthony Ivery